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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Josephine Amatucci

v.

Varney, et al

1:21-cv-00308-JL

IN RESPONSE TO THE COURT'S ENDORSED ORDER DATED 4/8/2022

A MOTION FOR SUMMARY JUDGMENT

A JUDGMENT UNDER FEDERAL CIVIL RIGHTS LAW

ADDRESSING FRAUD UPON/ON THE COURT

ADDRESSING VOID JUDGMENTS

WHERE VOID JUDGMENTS ARE NEVER FINAL

WHERE FRAUD IS NEVER FINAL

1. The defendants as judge's acted intentionally and knowingly to deprive the Plaintiff the rights of the Constitution and the Supreme Law of the land, therefore the defendants are liable for injury caused by their ministerial act. The defendants were not performing a judicial function, when they FRAUDULENTLY and INTENTIONALLY, due to the exculpatory evidence before them, they misjudged a Civil Restraining Order in Equity to be that of a CRIMINAL STALKING ORDER, in order to clear the police of misconduct. And in doing so they caused the Plaintiff injury., The U.S. Supreme Court in Pierson v. Ray 386 U.s. 547 (1967), stated " that a judge no longer acts as a judge, but as a "minister" of his own prejudices,

when he trespasses against the Federal Constitution, the law of the land".

"a judge is liable for INJURY caused by a ministerial act; to have immunity he must be performing a judicial function. Ex prte Virginia, 100 U.S. 339; 2 Harper & James, the Law of Torts. The presence of malice and the intention to deprive a person of his civil rights is WHOLLY INCOMPATIBLE WITH THE JUDICIAL FUNCTION".

2. Unless my claims are ruled upon under the Federal Civil Rights law, under 1983 they will never be final. As none of the courts, the judges rules, procedures, opinions, can OVERRIDE the Plaintiff's rights as allowed under the Federal Constitution, which is the LAW OF THE LAND.

3. Therefore, a ruling on her motion for summary judgment is MANDATED for a a ruling to determine the merits of the Plaintiff's claims in violation of her Civil rights under 1983, or unless the judge rules on these claims they will never be final.

4. Regarding the Plaintiff's claims of Fraudulent Misrepresentation by the defendants stating that the Civil Restraining Order in Equity was a CRIMINAL STALKING ORDER. Stating that the police had a right to arrest under a CRIMINAL STALKING ORDER when they knew they knew they knew from the evidence before them of the original ORDER the Affidavit regarding the true identity of the restraining order by the issuing Judge O'Neill, stating that his Order was NOT A STALKING ORDER.

5. Therefore when the defendants claimed the police had the right to arrest, incarcerate and prosecute the Plaintiff, under a CRIMINAL STALKING ORDER, they were TRESPASSING THE LAW OF THE LAND, they were committing FRAUDULENT MISREPRESENTATION of the evidence before them, they were violating Due Process, they were injuring the Plaintiff, they were aiding and abetting police misconduct.

6. This was MALICE, this was EGREGIOUS misconduct of the defendants.

7. This motion for summary judgment is based on violations of the Federal

Constitution, under Fraudulent Misrepresentation, where FRAUD is never final  
this case will STAY ACTION where VOID JUDGMENTS are never final.

8. When a judge violates the Federal Constitution, he loses jurisdiction, in  
the case, and his orders are VOID of no legal force.

#### THE SUPREME LAW OF THE LAND

9. Judge Laplante is trying to enforce a void order of the defendants. And in  
doing so he is ALSO trespassing the law.

10. The Plaintiff states that the defendants acted as trespassers of the law, and  
when a judge does not follow the law, the judge loses jurisdiction and his orders are  
void, of no legal force. Federal law.....SUPERCEDES..... all judgments, opinions and  
bias decisions made by the defendants and by Judge Joseph Laplante, the judgments,  
opinions, procedures followed by judges, are void of no legal force, as the judgments,  
opinions cannot..... OVERRIDE.....the Plaintiff's CIVIL RIGHTS. That is cannot  
OVERRIDE her right to damages as allowed under 1983. Scheuer v. Rhodes 416 U.S. 232, 94  
S.Ct. (1974) .

11. The judge acts were without .... PROBABLE CAUSE

12. In the case of Allen v. City of Portland 73 F.3d 232 (9th Cir. 1995). The Ninth  
Circuit of Appeals stated that "by definition probable cause to arrest can only  
exist in relation to criminal conduct; CIVIL disputes (Civil Restraining Order in Equity)  
cannot give rise to probable cause". Paff v. Kaltenbach, 204 F.3d 425, 435 (3rd Cir. 2000)  
(Fourth Amendment prohibits law enforcement officers from arresting citizens WITHOUT  
PROBABLE CAUSE. See Illinois v. Gates, 462 U.S. 213 (1983) therefore, no body attachment,  
bench warrant or arrest order may be issued. If a person is arrested on less than  
PROBABLE CAUSE the UNITED STATES SUPREME COURT has long recognized that

the aggrieved party has a CAUSE OF ACTION under 42 U.S.C. 1983 for violation of Fourth Amendment rights. Harlow v. Fitzgerald 457 U.s. 800, 818

"THERE CAN BE NO OBJECTIVE REASONABLENESS WHERE OFFICIALS VIOLATE CLEARLY ESTABLISHED CONSTITUTIONAL RIGHTS AS:

United States Constitution, fourth amendment

Due Process and Equal Protection

Rights to privacy and liberty

Also, that the mere fact that a judge or magistrate issues an arrest warrant does not automatically insulate the officer from liability for an unconstitutional arrest. "Only where the warrant application is so lacking in indicia of probable casue as to rener official belief in its existence unreasonable..will the shield of immunity be lost. Malley v. Briggs, 475 U.S. 335, 344 (1986).

13. You see, the defendants did in fact misrepresent the Restraining Order for ONE REASON and that reason is to DENY POLICE MISCONDUCT, which is what the Courts do, in a continuing course of conduct.

14. The judge must rule on the Plaintiff's claims as stated under the LAW OF THE LAND, where she has a right BEFORE A JURY OF HER PEERS, for damages under 1983. Especially where there was a lack of PROBABLE CAUSE, by the defendants actions, or if the right to a ruling on the Plaintiff's meritorious claims is denied, the judge will have TRESPASSED THE LAW, and his judgments are void of no legal force.

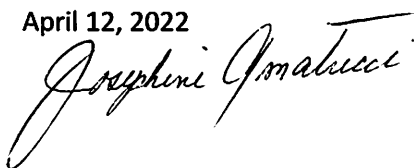
FRAUD IS NEVER FINAL

VOID JUGMENTS ARE NEVER FINAL

Respectfully,

Josephine Amatucci

April 12, 2022



From: J. AMATO

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DISTRICT OF NEW HAMPSHIRE  
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